

Notice of Allowability

Application No.

09/585,576

Examiner

Deborah A. Raizen

Applicant(s)

SATO, MASAE

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 8/4/2004.
2. ☒ The allowed claim(s) is/are 1-4,7,8,10-15,17-19 and 21-47.
3. ☒ The drawings filed on 02 June 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. Claims 1-4, 7, 8, 10-15, 17-19 and 21-47 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of claims 1-4, 7, 8, 10-15, 17-19 and 21-47, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper.

The prior art fails to teach a combination of all the features in claim 1, 18, and 19. For example, these features include the detailed structure recited, especially the limitations that the first lens group is shifted when zooming, that the magnification ratio of the zoom lens is four times or more, and that the zoom lens satisfies the recited formula regarding the magnification ratio of the third lens group, in combination with all the other limitations of the claim. These are the same reasons given in the Office action of May 6, 2004, for the indication of allowable subject matter in claim 5. Also, Kohno et al. (US 2002/0097503 A1) is cited here because it discloses zoom lenses with many of the features recited in claim 1. However, the nearest value of the recited formula is 2.88 (Embodiment 6), which is not greater than 2.9. The overlapping range for the formula, disclosed indirectly in the product of conditions (13) and (14), is 0.7 to 6.5. This overlapping range does not disclose the recited range with sufficient specificity to anticipate the claim or to render the claim obvious, especially in view of the failure of any of the nine embodiments to meet the recited range.

In regard to claims 21, 46, and 47, see the reasons for the indication of allowable subject matter in claim 9 in the Office action of May 6, 2004.

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In regard to claim 30, see the reasons for the indication of allowable subject matter in claim 15 in the Office action of May 6, 2004.

In regard to claim 38, see the reasons for the indication of allowable subject matter in claim 16 in the Office action of May 6, 2004.

Claims 2-4, 7, 8, 10-15, 17, 22-29, 31-37, and 39-45 depend on allowed claims and are therefore allowed as well.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Comment

2. In the specification, in Table 1, the value of β_{3T}/β_{3w} is listed as 3.61, as it is in the priority document. Although this is probably the correct value for the ratio, applicant might wish to check again if it correct (the lens parameters disclosed in Table 1 suggest that the value is 3.27).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A. Raizen, Ph.D., J.D., whose telephone number is (571) 272-2336. The examiner can normally be reached on Monday-Friday, from 10:00 a.m. to 3:00 p.m. Eastern Standard Time (a part-time schedule).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The USPTO central official fax number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. For access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or at 703-305-3028 or at 703-308-6845, or by e-mail at: ebc@uspto.gov. Additional information is available on the Patent EBC Web site at: <http://www.uspto.gov/ebc/index.html>.

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A handwritten signature in black ink, appearing to read "Scott J. Sugarman".

Scott J. Sugarman
Primary Examiner